

CITY COUNCIL MINUTES
FEBRUARY 23, 2006

The Round Rock City Council met Regular Session on Thursday, February 23, 2006, in the City Council Chamber, 221 E. Main Street.

CALL REGULAR SESSION TO ORDER:

Mayor Maxwell called the session to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the pledge of allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Rufus Honeycutt, Councilmember Joe Clifford, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Councilmember Ted Williamson. Also present were Assistant City Manager David Kautz and City Attorney Steve Sheets. Jim Nuse, City Manager was absent.

CITIZENS COMMUNICATIONS:

Steve Garcia's students of Hopewell Middle School Musical Theatre Program gave a brief performance of "Annie, Jr." that will be held on March 9-10 at Hopewell Middle School.

Alicia Carlile and members of the Round Rock Senior Foundation presented a check to the Council in the amount of \$26,029.18 for 76 six-foot tables and 400 chairs for the new Allen R. Baca Center for Senior and Community Activities.

John Gordon, 1007 Green Meadow, reported that the Williamson County Symphonic Orchestra will be performing at the First United Methodist Church on March 10.

Jim Johnson, 811 Barton Springs Road, Austin, asked the Council not to take action on the annexation of the Bison Tract at this time but that it be included in a written "Annexation Plan."

PROCLAMATIONS:

5.A. Consider proclaiming February 25, 2006 as Arbor Day.

Mayor Maxwell read the following proclamation and presented in to Emsud Horozovic.

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2006 is the 134th Anniversary of Arbor Day which is now a nationally celebrated observance that encourages tree planting and tree care; and

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WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, provide habitat for wildlife and beautify our community; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and are a source of joy and spiritual renewal wherever they are planted; and

WHEREAS, the Parks and Recreation Department's Forestry Division, with the help of hundreds of volunteers will be planting 57 trees in High Country Park on Saturday, February 25, 2006 from 9:00 a.m. to 12:00 noon for Arbor Day.

NOW, THEREFORE, I, Nyle Maxwell, Mayor of the City of Round Rock do hereby proclaim February 25, 2006 as

"ARBOR DAY"

in the City of Round Rock and urge all citizens to support the efforts of protecting our trees and woodlands and further urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

PROCLAIMED this 25th day of February 2006.

PRESENTATIONS:

6.A.1. Consider a presentation concerning the new state regulation, Local Government Code Chapter 176, concerning city officials and vendors filing a conflicts disclosure statement.

Barbara Boulware-Wells of the City Attorney's office gave an overview of a new state regulation that became effective January 1, 2006. This regulation requires that mayors, councilmember's, city managers or administrators, and certain city officials file a "conflicts disclosure statement" with the city's records administrator (usually the city secretary) within seven days of becoming aware of either of the following situations:

- A city officer or the officer's family member has an employment or business relationship that results in taxable income with a person who has contracted with the city or with whom the city is considering doing business.
- A city officer or the officer's family member receives and accepts one or more gifts with an aggregate value of \$250 in the preceding 12 months from a person who conducts business or is being considered for business with the officer's city.

In addition, the regulation requires a vendor that wishes to conduct business or be considered for business with a city to file a "conflict of interest questionnaire."

6.B.1. Consider a presentation regarding the City's 10-Year Comprehensive Operational Plan. Will Hampton gave the following report on the 10-Year Comprehensive Operational Plan that was presented to the public at Open Houses in January and February.

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- 10 Open House meetings
 - 8 at voting precincts, 1 at Clay Madsen Recreation Center, 1 at Library
- 3 "other meetings (two at the Round Rock Chamber of Commerce, one at the Senior Center)
- "Online" Open House available from February 1 through February 15
- Public Forum on February 13
- 575 people provided input
- 487 at Open House meetings (446 residents, 41 non-residents)
- 88 via online (80 residents, 8 non-residents)
- 526 residents, 49 non-residents combined from Open House and online
- 293 offered written comments

Mr. Hampton reported the results of the:

- Scorecards
- Open house results
- Online results
- Combined results, residents only
- Effect of advice
- How residents would pay to maintain their chosen level of service
- Percentage of homes per valuation range
- Average tax increase by home value
- EMS Questions
- Cost Controllers
 - Manage health care costs
 - Create, maintain, and expand partnerships
 - Facilitate sound economic development
 - Maintain 'growth pays for itself' philosophy whenever possible
 - Efficiently manage the business of the City

The Council inquired how this information could be integrated into the budget process and if there were any plans for more forums.

6.C.1. Consider a presentation concerning the possible extension of Palm Valley Boulevard to RM 620. Tom Word, Chief of Public Works Operations made the staff presentation. To reduce traffic congestion and increase mobility along the US 79 and RM 620 corridors, the City, through the Transportation System Development Corporation, authorized PBS&J Engineering to conduct a feasibility study for a possible extension of Palm Valley Boulevard to RM 620. Mr. Word's presentation outlined various alternatives for this work as well as cost implications. He

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emphasized that staff was not recommending any Council action on the information that was presented.

6.C.2. Consider a presentation on section 545.356 of the Transportation code allowing municipalities to reduce the prima facie speed limit from 30-mph to 25-mph in an urban district.

Thomas G. Martin, P.E., Transportation Services Director made the staff presentation. At the last legislative session, House Bill 87 amended Section 545.356 of the Texas Transportation Code by establishing that a municipality may reduce the speed limit from the prima facie urban district speed limit of 30-mph to 25-mph. Under the amended Transportation Code, all of the following conditions must be met:

- The highway is not part of the marked state highway system;
- The highway is 35-feet or less in width;
- Vehicular traffic parking is not prohibited on one or both sides of the highway; and
- The governing body determines the prima facie speed limit is unreasonable or unsafe.

Before the City can forward with this, a finding must be made for each street separately. This would require the City to conduct an "engineering and traffic investigation" for each street individually, following the guidelines found in the "Procedure for Establishing Speed Zones" as adopted by the Texas Transportation Commission. It is possible that two adjacent local residential streets could have two different findings from the engineering and traffic investigation resulting and the other street being reduced to 25 mph. In conclusion, it is very likely that applying HB 87 in Round Rock will result in confusion to the public as to the speed limits within the City's residential subdivisions with some streets changing to 25 mph and other staying at the existing 30 mph.

6.D.1. Consider a presentation concerning the proposal to place the sale of McNeil Park on the May 13, 2006 election ballot. David Kautz, Assistant City Manager gave the history, description and location of McNeil Park. Rick Atkins, Parks and Recreation Director outlined the purpose for the proposal to sale McNeil Park.

- The City has "outgrown" McNeil and Bluff fields.

- Consolidation of the fields will maximize use of the complex and well as programs.
- The sale of this property will allow for a better land use of the existing property.
- Funds would allow the expansion of the adult softball complex to be in one location at Old Settlers Park at Palm Valley.
- Would allow Round Rock to host state tournaments.

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Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*8.A. Consider approval of the City Council minutes for February 9, 2006. This item was approved under the consent agenda.

ORDINANCES:

9.A.1. Consider an ordinance annexing approximately 453 acres of land out of the Joseph Marshall and P.A. Holder Surveys. (Harris/Bison/Telander/Keller/Krienke/Elrod/Reid Tract) (Hwy 79) (First Reading) The Council recessed to the Executive Chamber for an Executive Session regarding this item. As authorized by Texas Government Code Sections 551.071, Consultation with Attorney, the Executive Session was called to order by Mayor Maxwell at 8:59 p.m. and adjourned at 9:16 p.m. The Council returned to the Council Chamber to continue with this item.

Jim Stendebach made the staff presentation. Despite the prominent location of this tract, the City has been reluctant to annex the property and provide utility service to it until the accessibility issues related to the railroad tracks could be resolved. (The tracks run parallel to Hwy. 79 along the north boundary of the property, effectively cutting off the property from the highway.) To provide access to the property, the City is currently working with Williamson County to extend Arterial A to the tract and to permit temporary access to the site from an at-grade crossing directly across from Harrell Parkway. With these access issues being resolved, and with water and wastewater lines already bordering the property, the City is now in a position to annex the property. Annexation will allow the City to apply zoning regulations to the property and preclude any undesirable development, such as mini-warehouses, that can be operated without City utilities. It will also allow the City to ensure that the property is used in a way that

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takes into account both the unique development constraints of the property and the overall land use policies of the City. Statutory requirements for notices to the public regarding the annexation of these tracts were completed.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER-DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO-WIT: APPROXIMATELY 453 ACRES DESCRIBED IN EXHIBIT "A", ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF ROUND ROCK SO AS TO INCLUDE SAID PROPERTY WITHIN ROUND ROCK'S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Salinas
Councilmember Rhode
Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

MOTION: Councilmember Williamson moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford

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Councilmember Salinas

Councilmember Rhode

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

RESOLUTIONS:

10.A.1. Consider a resolution authorizing the Mayor to execute a Professional Services Contract with Raba-Kistner-Brytest Consultants, Inc. for construction materials testing services for Kiphen road, Phase II. Thomas G. Martin, P.E., Transportation Services Director made the staff presentation. The scope of work includes the observation and testing to the following construction materials: Laboratory testing, in place field nuclear density testing, and proof rolling observation; Concrete compressive strength specimen sampling, testing and reporting; and, Hot mix asphalt concrete (HMAC) testing. Raba Kistner Brytest Consultants, Inc., provided similar construction materials testing services for A.W. Grimes Boulevard Phase I and the Doublecreek Drive and Forest Creek Drive Projects. They are familiar with City of Round Rock Procedures and submittal requirements. The cost of services is \$55,110.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain professional services for construction materials testing for the Kiphen Road, Phase II Project, and

WHEREAS, Raba-Kistner-Brytest Consultants, Inc. has submitted a Consulting Services Agreement for Construction Materials Testing to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with Raba-Kistner-Brytest Consultants, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Consulting Services Agreement for Construction Materials Testing with Raba-Kistner-Brytest Consultants, Inc. for the Kiphen Road Phase II Project, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

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MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt
 Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Salinas
 Councilmember Rhode
 Councilmember Williamson
 Mayor Maxwell

 Nays: None

ACTION: The motion carried unanimously.

*10.B.1. Consider a resolution authorizing the Mayor to execute a Grant Award Notice with the Governor's Division of Emergency Management for the 2004 State Homeland Security Program. This item was approved under the consent agenda.

RESOLUTION NO.

WHEREAS, the City of Round Rock has been previously awarded grant funds from the Texas Engineering Extension Service through the 2004 State Homeland Security Program, and
WHEREAS, administration of said grant has been transferred from the Texas Engineering Extension Service to the Governor's Division of Emergency Management, Now Therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Grant Award Notice from the Governor's Division of Emergency Management, a copy of same being attached hereto as Exhibit "A" and incorporated herein.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

10.B.2. Consider a resolution designating Fire Captain Mark Selby as the City's Emergency Management Coordinator, and Designating Police Lieutenant Richard Johnson as the City's Assistant Emergency Management Coordinator. Larry Hodge, Fire Chief made the staff presentation. Section 4 18.101 of the Texas Government Code provides that the presiding officer of each political jurisdiction of the State shall notify the Division of Emergency Management of the

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manner in which the political subdivision is providing an emergency management program and identify the person who heads that program. Fire Marshal Keith Tanner, who recently retired, was the designated Emergency Management Coordinator for the City of Round Rock. Staff recommended that Captain Mark Selby be appointed as the Emergency Management Coordinator and that Police Lieutenant Richard Johnson be appointed the Assistant Emergency Management Coordinator. Captain Selby has served as the Assistant Emergency Management Coordinator for several years and is uniquely qualified to step up to the Coordinator's position. Captain Selby's competency in Emergency Management was evidenced by his role in the management of the Emergency Operations Center (EOC) during the Katrina evacuation. Lieutenant Johnson is uniquely qualified to fill the Assistant Coordinator's position by his years of experience and training in Emergency Management activities. Lieutenant Johnson's competency in Emergency Management was evidenced by his role in the management of the EOC during the Katrina evacuation.

RESOLUTION NO. _____

WHEREAS, Section 418.101 of the Texas Government Code provides that the presiding officer of each political jurisdiction of the State of Texas shall notify the Division of Emergency Management of its designated Emergency Management Coordinator, and

WHEREAS, the City of Round Rock wishes to designate Fire Captain Mark Selby as the City's Emergency Management Coordinator, and Police Lieutenant Richard Johnson as the City's Assistant Emergency Management Coordinator, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That Fire Captain Mark Selby is hereby designated as the City's Emergency Management Coordinator, and Police Lieutenant Richard Johnson is hereby designated as the City's Assistant Emergency Management Coordinator, and

BE IT FURTHER RESOLVED

That the Mayor is hereby authorized and directed to execute on behalf of the City an Emergency Management Director/Coordinator Notification, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember

Rhode seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

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Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

10.C.1. Consider a resolution accepting the recommendations of the Capital

Improvements Impact Fee Advisory Committee contained in the Capital Improvements Plan

Progress Semiannual Report. Tom Clark, Water and Wastewater Utilities Director made the staff presentation. Water and wastewater impact fees are charged to offset the cost of constructing infrastructure to keep up with development. Impact fees allow for growth to pay for itself rather than being paid for by ratepayers. An Advisory Committee is comprised of the Planning and Zoning Commission, a non-voting member from Williamson County and a non-voting member of the Home Builders Association of Austin. The committee meets semiannually to review the semiannual report and recommends to Council any perceived inequities in implementing the plan or imposing the impact fee. The Local Government Code Section 395.058 requires the Capital Improvements Impact Fee Advisory Committee to report to the political subdivision the progress of the capital improvements plan and any perceived inequities in implementing the plan or imposing the impact fee. The semiannual report for the reporting period of April 1, 2005 to September 30, 2005 was provided to the Council. Mr. Clark added that the Committee met on January 11, 2006 and reviewed the report and determined there are no inequities in implementing the plan or imposing the fee.

RESOLUTION NO.

WHEREAS, Section 395.058, Texas Local Government Code, requires the Capital Improvements Advisory Committee ("Committee") to report to the City of Round Rock ("City") on the progress of the capital improvements plan and any perceived inequities in implementing the

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plan, and to advise the City of the need to update the land use assumptions, capital improvements plan, and impact fees, and

WHEREAS, the Committee met on January 11, 2006 to review the Semiannual Capital Improvements Plan Progress Report ("Report"), and

WHEREAS, the Committee finds that the capital improvements plan is proceeding on schedule and that there are no inequities in implementing the plan, and the Committee recommends no action be taken at this time, and

WHEREAS, the City Council wishes to accept the findings of the Committee and approve the Report, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City of Round Rock hereby approves the Capital Improvements Plan Progress Semiannual Report, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes, and

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of January, 2006.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember

Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

*10.C.2. Consider a resolution authorizing the Mayor to execute Supplemental

Agreement No. 1 to the Annual Purchasing Agreement for Analytical Services for Water Plant with the Lower Colorado River Authority - Environmental Laboratory Services. This item was approved under the consent agenda.

RESOLUTION NO. _____

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WHEREAS, the City of Round Rock has previously entered into an Annual Purchasing Agreement for Analytical Services for Water Plant with Lower Colorado River Authority - Environmental Laboratory Services, and

WHEREAS, Lower Colorado River Authority - Environmental Laboratory Services has submitted Supplemental Agreement No. 1 to the Agreement to extend the contract date, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with Lower Colorado River Authority - Environmental Laboratory Services, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Annual Purchasing Agreement for Analytical Services for Water Plant with Lower Colorado River Authority - Environmental Laboratory Services, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

*10.C.3. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Annual Purchasing Agreement for Analytical Services for Water Plant with DHL Analytical, Inc. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Annual Purchasing Agreement for Analytical Services for Water Plant with DHL Analytical, Inc., and

WHEREAS, DHL Analytical, Inc. has submitted Supplemental Agreement No. 1 to the Agreement to extend the contract date, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with DHL Analytical, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Annual Purchasing Agreement for Analytical Services for Water Plant with DHL Analytical, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

*10.C.4. Consider a resolution authorizing the Mayor to execute Change Order No. 1 with F.T. Woods Construction Services, Inc. for the construction of the East Water Transmission Line, Phase 3A-2. This item was approved under the consent agenda.

RESOLUTION NO. _____

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WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with F.T. Woods Construction Services, Inc. for the construction of the East Water Transmission Line, Phase 3A-2, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 1, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 1 to the Contract with F.T. Woods Construction Services, Inc. for the construction of the East Water Transmission Line, Phase 3A-2, a copy of said change order being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

10.D.1. Consider a resolution calling the May 13, 2006 City Election. This resolution calls the May 13, 2006 City Election to elect Council, Place 3, Council, Place 5, and includes a proposition for the sale of McNeil Park. The last day to file an application for a place on the ballot is 5:00 p.m. March 13, 2006. Early voting will be held from May 1 through May 9, 2006.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ROUND ROCK, TEXAS, CALLING AN ELECTION FOR MAY 13, 2006 FOR THE PURPOSE OF ELECTING CERTAIN OFFICIALS AND FOR SUBMITTING TO THE VOTERS A PROPOSITION FOR OR AGAINST SELLING CITY-OWNED PARKLAND; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS AT EACH POLLING PLACE; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

MOTION: Councilmember Rhode moved to approve the resolution. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson

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Mayor Maxwell

Nays: None

ACTION: The motion carried unanimously.

10.D.2. Consider a resolution authorizing the Mayor to execute an Election Services

Contract with the Williamson County Election Administrator for the May 13, 2006 City Election.

This contract is for election services from the Williamson County Election Administrator to conduct the City's election on May 13, 2006. This agreement outlines the responsibilities of the Election Administrator and the City for the election.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to enter into a contract with the Williamson County Elections Administrator to conduct the May 13, 2006 election, and

WHEREAS, the Williamson County Elections Administrator has submitted a proposed Election Services Contract ("Contract"), and

WHEREAS, the City Council desires to enter into said Contract, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Election Services Contract with the Williamson County Elections Administrator to conduct the May 13, 2006 election, a copy of said Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

MOTION: Councilmember Williamson moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE: Ayes: Councilmember Honeycutt

Mayor Pro-tem McGraw

Councilmember Clifford

Councilmember Salinas

Councilmember Rhode

Councilmember Williamson

Mayor Maxwell

Nays: None

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ACTION: The motion carried unanimously.

10.D.3. Consider a resolution authorizing the Mayor to execute an Election Services

Contract with the Travis County Election Administrator for the May 13, 2006 City Election.

This contract is for election services from the Travis County Election Administrator to conduct the City's election on May 13, 2006. This agreement outlines the responsibilities of the Election Administrator and the City for the election. The City has two precincts in Travis County, which are T-200, which is located in the Flower Hill area and T-225, which is located west of IH-35, in the 1325 and SH-45 area.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock wishes to enter into a contract with the Travis County Elections Administrator to conduct the May 13, 2006 election, and

WHEREAS, the Travis County Elections Administrator has submitted a proposed Election Services Contract ("Contract"), and

WHEREAS, the City Council desires to enter into said Contract, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Election Services Contract with the Travis County Elections Administrator to conduct the May 13, 2006 election, a copy of said Contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of February, 2006.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Williamson
		Mayor Maxwell
	Nays:	None

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ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

EXECUTIVE SESSION:

12.A. Executive Session as authorized by §551.071 Government Code, related to pending or contemplated litigation, to wit: Richard Wallace Pearce and Jesse Ray Bland vs. City of Round Rock et al, Cause No. 97-314-C277, Judicial District Court of Williamson County, Texas.

The Council recessed to the Executive Chamber for the Executive Session. Mayor Maxwell called the Executive Session to order at 9:45 p.m. and adjourned back into regular session at 10:20 p.m.

10.D.4. Consider a resolution authorizing the Mayor to execute a settlement agreement concerning the Richard Wallace Pearce and Jesse Ray Bland vs. City of Round Rock et al, lawsuit.

This item was withdrawn from the agenda.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:21 p.m.

Respectfully Submitted,

Christine R. Martinez, City Secretary